

Fleshler  
Serial no. 09/884,596  
Filed 6/18/2001  
Attorney docket no. BEA920010006US1

---

Page 6

REMARKS

Claim rejections under 35 USC 102

Claims 1-3, 6-15, and 19-20 have been rejected under 35 USC 102(e) as being anticipated by Sharma (6,766,165). Claims 1, 11, and 15 are independent claims, from which the remaining pending claims ultimately depend. Applicant submits that as amended, claims 1, 11, and 15 are patentable over Sharma, such that all of the claims are patentable over Sharma.

In the Advisory Action of September 12, 2005, the Examiner stated the following:

Sharma offers wireless console's direct communication with the resource being managed as taught in column 6, line 61 through column 7, line 5. "A mobile wireless capable device 122 at the enterprise 102 site communicates with the NMS 114 via a wireless transceiver 1243 coupled to the NMS 114. The wireless 124 may itself communicate with, for example, a wireless personal area network (PAN) at the enterprise 102 site. The mobile wireless capable device 122 of FIG. 1 is illustrated as a PDA 122, although any mobile wireless capable device may be used as suitable. The mobile wireless capable device 122 communicates with the NMS 114 and is preferably provided with management capability over assets on the enterprise 102 network.

Thus Sharma teaches the mobile wireless console/mobile wireless capable device directly communicat[ing] wirelessly with the resource/network asset being managed.

Therefore, the Examiner's argument is that the mobile wireless console 122 of Sharma wirelessly communicates directly with the NMS 114 of Sharma.

However, Applicant emphasizes very much that the NMS of Sharma is not a resource that is managed in Sharma! Therefore, the mobile wireless console of Sharma does not directly communicate wirelessly with a resource that is being managed in Sharma. Rather, the NMS communicates directly with the resources being managed in Sharma. As a result, Sharma teaches a mobile wireless console wirelessly communicating directly with the NMS to manage resources, where the NMS itself communicates directly with these resources. Therefore, Sharma cannot anticipate the claimed invention, which as amended is limited to the "mobile wireless console

Fleshler  
Serial no. 09/884,596  
Filed 6/18/2001  
Attorney docket no. BEA920010006US1

---

Page 7

directly communicat[ing] with the resource over the wireless network *without communicating through any intermediary device between the console and the resource.*" In Sharma, the NMS is not a resource being managed, but rather is an intermediary device with which the mobile wireless console directly communicates. Because the claimed invention is limited to the mobile wireless console directly communicating with the resource *without communicating through any intermediary device*, Sharma does not anticipate the claimed invention.

As support of what Sharma teaches, Applicant notes that Sharma states that:

The mobile wireless capable device 122 communicates with the NMS 114 and is preferably provided with management capability over assets on the enterprise 102 network. These assets may include, for example, the network assets 116, 118, 120, network assets in a PAN, for example a wireless PAN, or any combination of network assets as suitable.

(Col. 7, ll. 2-8) Thus, the mobile wireless console 122 directly communicates wirelessly with the NMS 114, which directly manages assets/resources 116, 118, and 120. As further proof, Applicant notes that Sharma states that:

[A] network management server is provided to control a network asset on a network. The network asset is connected to the network management server via a connection path. A secure communication path is established between the network management server and a mobile wireless capable device. The network asset is managed via the secure communication path with the mobile wireless capable device.

The network management server controls a network asset on a network. The network asset is connected to the network management server via a connection path. The remote wireless transceiver communicates with the network management server via an internet. The mobile wireless capable device communicates with the network management server via the remote wireless transceiver to manage the network asset and to administer the network.

(Col. 3, ll. 17-28, 45-53) The network management server (NMS) is thus not the asset/resource being managed in Sharma. The mobile wireless console in Sharma directly communicates wirelessly with the NMS, which itself then communicates directly with the asset/resource being

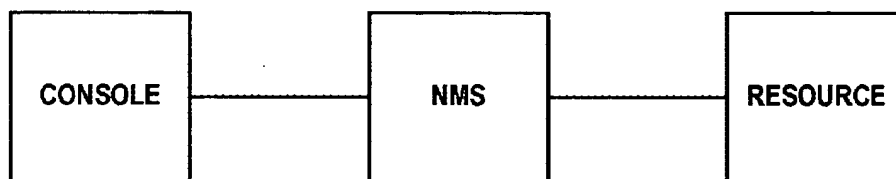
Fleshler  
Serial no. 09/884,596  
Filed 6/18/2001  
Attorney docket no. BEA920010006US1

---

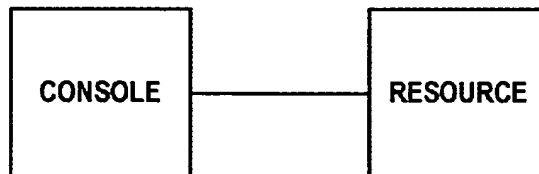
Page 8

managed. By comparison, the claimed invention is limited to the mobile wireless console directly communicating with the resource *without communicating through any intermediary device – like an NMS – between the console and the resource*. Therefore, Sharma cannot anticipate the claimed invention.

To make this even more clear, Applicant diagrammatically shows the difference between Sharma and the claimed invention. Sharma's architecture is as follows:



The mobile wireless console directly wirelessly communicates with the NMS in Sharma, in order to manage a resource. By comparison, the claimed inventions' architecture is as follows:



In the claimed invention, the mobile wireless console directly wirelessly communicates with the resource being managed, *without communicating through any intermediary device – like the NMS in Sharma – between the console and the resource*. Hopefully this diagram makes it crystal clear why Sharma does not anticipate the claimed invention.

Fleshler  
Serial no. 09/884,596  
Filed 6/18/2001  
Attorney docket no. BEA920010006US1

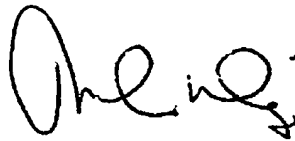
---

Page 9

Conclusion

Applicants have made a diligent effort to place the pending claims in condition for allowance, and request that they so be allowed. However, should there remain unresolved issues that require adverse action, it is respectfully requested that the Examiner telephone Applicants' Attorney so that such issues may be resolved as expeditiously as possible. For these reasons, this application is now considered to be in condition for allowance and such action is earnestly solicited.

Respectfully Submitted,



October 11, 2005

Date

Michael A. Dryja, Reg. No. 39,662  
Attorney/Agent for Applicant(s)

Law Offices of Michael Dryja  
704 228<sup>th</sup> Ave NE #694  
Sammamish, WA 98074  
tel: 425-427-5094, fax 206-374-2819